

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	Case No. 3:17-00161
	)	JUDGE RICHARDSON
CECIL CLINT WOODARD	)	

**DEFENDANT'S RESPONSE TO UNITED STATES' SENTENCING  
MEMORANDUM**

Cecil Clint Woodard, through undersigned counsel, hereby responds briefly to the United States' Sentencing Memorandum (Docket No. 45), and particularly with regard to the United States' arguments regarding sentencing disparity. At the sentencing hearing Mr. Woodard, through counsel, will also respond to other arguments by the government raised in its Sentencing Memorandum. The government requests a sentence of 120 years. Such a sentence is greater than necessary under 18 U.S.C. § 3553(a).

The sentence requested by the government would produce an unwarranted sentencing disparity. Other defendants who have committed similar or worse conduct have not received sentences anywhere near what the government is requesting. *United States v. Sanchez*, 440 F. App'x 436 (6th Cir. 2011) (reporting 30-year sentence for defendant who sexually abused his daughter from age 6 to 12; had prior conviction for molesting stepson; and was convicted at trial); *United States v. Price*, 2012 U.S. Dist. LEXIS 38397, \*33-34 (C.D. Ill. March 21, 2012) (imposing 18-year sentence on defendant who posed daughter from age 9 to 11 for

child pornography; claimed he had a First Amendment right to make the photos; and was convicted at trial); *United States v. Barry*, 634 F. App'x 407 (5th Cir. 2015) (reporting 27-year sentence for defendant who used his adopted, developmentally-disabled toddlers to make child pornography and was convicted at trial); *Doe v. Cotterman*, 2018 U.S. Dist. LEXIS 38794 (N.D. Ill. March 9, 2018) (recounting 35-year sentence for defendant who sexually abused girl from age 4 to 8 and was convicted at trial); *United States v. Dotson*, 715 F.3d 576 (6th Cir. 2013) (reporting 22-year sentence for defendant who sexually molested girlfriend's four-year-old daughter and was convicted at trial); *United States v. Levy*, 385 F. App'x 20 (2d Cir. 2010) (reporting 30-year sentence for defendant who sexually molested girlfriend's five-year-old daughter and was convicted at trial); *United States v. Street*, 531 F.3d 703 (8th Cir. 2008) (affirming 30-year sentence for defendant who molested daughter and step-daughter for years and was convicted at trial); *United States v. Joshua Cline*, No. 3:09-00037, Docket No. 52 at p. 7-9 (M.D. Tenn. Aug. 11, 2011) (defendant sentenced to 27.25 years for production of child pornography in case where he raped his stepdaughter when she was 6 years old and younger). A sentence of 25 years for Mr. Woodard's conduct would be proportionate to the sentences imposed in the cases cited above.

In his Sentencing Memorandum, Mr. Woodard has argued that he should receive some credit for acceptance of responsibility and that a life sentence should be reserved for the most serious of all conduct such as murder. (Docket No. 44.) Mr. Woodard respectfully submits that a sentence of 25 years is appropriate given his

age and his life expectancy. Mr. Woodard's life expectancy is probably around 76 years of age. (<https://www.cnn.com/2017/12/21/health/us-life-expectancy-study/index.html>.) After serving time in the Bureau of Prisons, his life expectancy is probably much shorter due to the fact that prisoners have a shortened life expectancy. The Bureau of Prisons treats a prisoner as if he or she is "10 to 15 years older than his or her chronological age" due in part to "stressed associated with incarceration." See U.S. Dep't of Justice, Office of the Inspector General, *The Impact of an Aging Inmate Population on the Federal Bureau of Prisons* [*Aging Inmate Population*], at 10 (Feb. 2016 rev. ed.).<sup>1</sup>

Respectfully submitted,

s/ R. David Baker

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### **CERTIFICATE OF SERVICE**

I hereby certify that on January 15, 2020, I electronically filed the foregoing *Defendant's Response to United States' Sentencing Memorandum* with the U.S. District Court Clerk by using the CM/ECF system, which will send a Notice of Electronic Filing to the following: S. Carran Daughtrey, Assistant United States Attorneys, 110 Ninth Avenue South, Suite A961, Nashville, TN 37203, and to United States Probation Officer Deborah Lochmaier. A-725 U.S. Courthouse, Nashville, TN 37203.

s/ R. David Baker

R. DAVID BAKER  
Assistant Federal Public Defender

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<sup>1</sup> Available at <https://oig.justice.gov/reports/2015/e1505.pdf>.